

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No.: 20-20245

v.

Hon. Mark A. Goldsmith

JOSEPH DUMOUCHELLE,

Defendant.

_____ /

MOTION TO WITHDRAW AS COUNSEL

Defendant Joseph DuMouchelle, through Counsel, Jonathan M. Epstein, of the Office of the Federal Community Defender, pursuant to Local Rule 14(b), moves to withdraw as counsel due to a complete breakdown of the attorney client relationship, and for the immediate substitution by a panel attorney and in support, states as follows:

1. On June 16, 2020, an Information was filed charging Mr. DuMouchelle with wire fraud, 18 U.S.C. §1343. (R. 1).
2. On June 22, 2020, undersigned Counsel was appointed to represent Mr. DuMouchelle. (R. 6).

3. On September 14, 2020, Mr. DuMouchelle entered a plea of guilty to the Information pursuant to a Rule 11 Plea Agreement.

4. On March 18, 2021, the final Pre-Sentence Investigation Report issued. (R. 19).

5. That sentencing has been rescheduled on a number of occasions by way of Stipulation and Order.

6. On September 20, 2021, Mr. DuMouchelle telephoned Counsel's superiors at the Office of the Federal Community Defender complaining about representation by undersigned Counsel and stating his dissatisfaction with Counsel.

7. That Mr. DuMouchelle instructed the Office of the Federal Community Defender that Counsel is fired and should file a motion to remove himself from the case.

8. Counsel submits there is a complete breakdown of the attorney-client relationship in such a way that Counsel for Defendant cannot continue to render effective assistance as required by the Sixth Amendment to the U.S. Constitution.

9. In an email on this date, the Office advised Mr. DuMouchelle that a Motion to Withdraw from the case will be filed and also a Motion for Appointment of a panel attorney.

10. Mr. DuMouchelle instructed the office not file any additional motions or briefs on his behalf and requests additional time from the September 24, 2021 deadline for new counsel to file any motions or briefs.

11. If relief is granted and an Order is entered, the Office of the Federal Community Defender will immediately obtain an experienced substitute panel attorney to represent Mr. DuMouchelle.

12. To expedite this request, Counsel waives hearing on this motion and requests an Order enter be entered immediately forthwith for appointment of new counsel.

13. The Assistant U.S. Attorney does not agree with the relief requested.

WHEREFORE, Counsel respectfully requests that he be allowed to withdraw from this matter due to a complete breakdown in the attorney-client relationship and an Order be entered for appointment of a substitute panel attorney.

Respectfully submitted,

FEDERAL COMMUNITY DEFENDER

s/Jonathan M. Epstein

Attorney for Defendant

613 Abbott St., Suite 500

Detroit, MI 48226

(313) 967-5840

jonathan_epstein@fd.org

P38101

Dated: September 22, 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No.: 20-20245

v.

Hon. Mark A. Goldsmith

JOSEPH DUMOUCHELLE,

Defendant.

MEMORANDUM IN SUPPORT OF
MOTION TO WITHDRAW AS COUNSEL

I.

Defendant's counsel references and incorporates the attached Motion as the statement of facts and procedure in support of this motion.

II.

Rules 14(b) and 14(c) of the Local Rules of the United States District Court for the Eastern District of Michigan provide:

b. Withdrawal of Appearances

Withdrawal of appearances may be accomplished only by leave of Court on motion of counsel.

c. Appearances in Criminal Cases

Except as permitted by the Court, counsel making any post-indictment appearance in a criminal case will be treated as an attorney of record until relieved of such responsibilities by the court.

A breakdown in communication or an irreconcilable conflict in the attorney-client relationship is good cause to warrant substitution of counsel and comports with the tenets of the Sixth Amendment right to effective assistance of counsel. *Wilson v. Mintzes*, 761 F.2d 275 (6th Cir. 1985).

III.

For the foregoing reasons, counsel requests this Honorable Court allow counsel to withdraw from representation of Defendant and for appointment of substitute counsel.

Respectfully submitted,

FEDERAL COMMUNITY DEFENDER

s/Jonathan M. Epstein

Attorney for Defendant

613 Abbott St., Suite 500

Detroit, MI 48226

(313) 967-5840

jonathan_epstein@fd.org

P38101

Dated: September 22, 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No.: 20-20245

v.

Hon. Mark A. Goldsmith

JOSEPH DUMOUCHELLE,

Defendant.

CERTIFICATE OF SERVICE

On September 22, 2021, I filed the foregoing document using the ECF system, which will send notification of the filing to all parties of record. I also

Respectfully submitted,

FEDERAL COMMUNITY DEFENDER

s/Jonathan M. Epstein

Attorney for Defendant

613 Abbott St., Suite 500

Detroit, MI 48226

(313) 967-5840

jonathan_epstein@fd.org

P38101

Dated: September 22, 2021